

POWER AUTHORITY OF THE STATE OF NEW YORK

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April 26, 1979

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POWER OPERATIONS

THOMAS F. MCCRANN, JR.
CONTROLLER

United States Nuclear Regulatory Commission
Office of Inspection and Enforcement
Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Attention: Mr. Boyce H. Grier, Director, Region I

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
Response to IE Bulletin No. 79-07

Dear Mr. Grier:

On April 24, 1979 the Power Authority of the State of New York submitted its response to IE Bulletin No. 79-07. The enclosed computer code listings completes the information which was requested under item number 2 of the Bulletin.

Since the enclosed computer code listings are Arthur D. Little Inc. proprietary information, the Power Authority hereby requests that under the provisions of 10 CFR §2.790 the listings be withheld from public disclosure. In conformance with 10 CFR §2.790(b) there are attached two affidavits supporting the non-disclosure request, one from Arthur D. Little, Inc. and the other from United Engineers and Constructors, Inc.

Very truly yours,

Joseph R. Schmieder
Joseph R. Schmieder
Chief Engineer

cc: U.S. Nuclear Regulatory Commission
Office of Inspection and Enforcement
Division of Reactor Operations Inspection
Washington, D.C. 20555
w/o att.

7906130122

basis for such withholding:

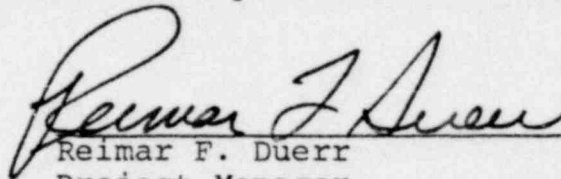
- (i) The use of such information gives ADL an advantage over its competitors. Withholding such information from disclosure protects ADL's competitive position.
- (ii) The information is marketable to licensees. Withholding the information from disclosure protects ADL's ability to sell the information to licensees.
- (iii) The information sought to be withheld is not available in public sources, but is only available to licensees through licensing agreements.
- (iv) the disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of ADL, based on:
 - (a) The value of the information to ADL.
 - (A) The use of the information gives ADL advantages over its competitors. It reduces costs by increasing the productivity of UE&C's engineers and other personnel. Public disclosure of this information would enable competitors to exploit advantages now possessed exclusively by ADL and its licensees.

(B) The public disclosure of this information would jeopardize ADL's ability to preserve existing and procure future licensing agreements.

(b) The difficulty entailed by others in duplicating this information.

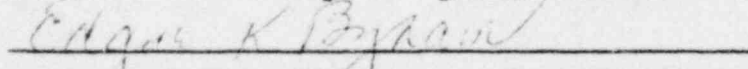
d. The information has been submitted to the Commission in confidence, and under 10 C.F.R. Section 2.790, it is to be received in confidence by the Commission.

It is therefore respectfully requested that the aforementioned information be withheld from public disclosure.



Reimar F. Duerr
Project Manager
United Engineers & Constructors Inc.

Subscribed and sworn to before
me this 20th day of April, 1979.



EDGAR K. BYHAM
Notary Public, State of New York
No. 31-40492
Qualified in New York
Commission Expires March 22, 1980

AFFIDAVIT

1. I am the Vice President and General Counsel of Arthur D. Little, Inc., ("ADL") and am responsible for reviewing proprietary information sought to be withheld from public disclosure, and am authorized to apply for its withholding on behalf of ADL.

2. This Affidavit is submitted under the provisions of 10 C.F.R. Section 2.790 and in conjunction with the application by the licensee required to report pursuant to IE 79-07.

3. I have personal knowledge of the criteria and procedures used by ADL to designate information as a trade secret or privileged or confidential commercial or financial information.

4. Pursuant to 10 C.F.R. Section 2.790(b)(4), the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld:

a. The information sought to be withheld is owned by ADL and consists of source program listings in whole or in part of a computer program named ADLPIPE. It has been released to several clients through licensing agreements, all of which impose confidentiality requirements on the licensee and prohibit its use other than as authorized, but otherwise has been held in confidence by ADL.

b. The information sought to be withheld is of a type customarily held in confidence by ADL. Among these types of information are

computer program source listings which are made available to clients under the previously mentioned licensing agreements and computer program source listings which must be protected from unauthorized alterations.

c. There is a rational basis for ADL's holding this information in confidence:

- (i) The use of such information gives ADL an advantage over its competitors. Withholding such information from disclosure protects ADL's competitive position.
- (ii) The information is marketable to licensees. Withholding the information from disclosure protects ADL's ability to sell the information to licensees.

d. The information has been submitted to the Commission in confidence, and under 10 C.F.R. Section 2.790, it is to be received in confidence by the Commission.

e. The information sought to be withheld is not available in public sources, but is only available to licensees through licensing agreements.

f. The disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of ADL, based on:

(i) The value of the information to ADL.

A. The use of the information gives ADL advantages

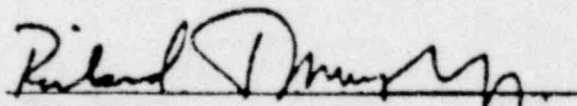
over its competitors. It reduces costs by increasing the productivity of ADL's engineers and other personnel. Public disclosure of this information would enable competitors to exploit advantages now possessed exclusively by ADL and its licensees.

B. Between 1968 and 1979, ADL released this information to a number of licensees pursuant to licensing agreements. The public disclosure of this information would jeopardize ADL's ability to preserve existing, and procure future, licensing agreements.

(ii) The amount of effort and money expended by ADL in developing this information. This information has been developed over a period of twelve years at a cost of several hundreds of thousands of dollars.

(iii) The difficulty entailed by others in duplicating the information. A competitor of ADL would have to expend resources comparable to those expended by ADL to duplicate the information sought to be withheld.

It is therefore respectfully requested that the aforementioned information be withheld from public disclosure.



Richard T. Murphy, Jr.
Vice President and General Counsel

COMMONWEALTH OF MASSACHUSETTS)

ss:

COUNTY OF MIDDLESEX .)

Before me, the undersigned authority, personally appeared Richard T. Murphy, Jr., who, by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Arthur D. Little, Inc., and that the averments of facts set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief.

Sworn to before me this 20th day of April, 1979.

Martha Cotton

Notary Public

MARTHA COTTON, Notary Public

My Commission Expires May 29, 1981